



IN THE 42ND JUDICIAL CIRCUIT, CRAWFORD COUNTY, MISSOURI

Judge or Division: MEGAN KATE SEAY		Case Number: 19CF-CC00065	
		OCN (criminal cases only):	
Petitioner: TNT AMUSEMENTS, INC		<input checked="" type="checkbox"/> Civil	<input type="checkbox"/> Change of Venue
vs.		<input type="checkbox"/> Criminal	<input checked="" type="checkbox"/> Case Transfer (476.410 or 541.120 RSMo)
Respondent: TORCH ELECTRONICS, LLC		Venue Changed or Case Transferred to County and Division: ST LOUIS COUNTY	
		Case Type: TI - CC Other Tort	
Date Ordered: 03/10/2020	Deposit/Bond Posted: \$113.50	Deposit/Bond Transferred: \$6.25	Judge: PARKER FOR SEAY

(Date File Stamp)

FILED
03/11/2020
JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY

**Change of Venue or Case Transfer
Transmittal/Costs and Fee Statement**

Pursuant to an order of the court,

☒ All original documents were ☐ sent via certified mail or ☒ emailed to the receiving court.

☒ A certified copy of the docket sheet was ☐ sent via certified mail or ☒ emailed to the receiving court.

☒ A check for the deposit balance/bond was sent via certified mail. Check # 34453

Cost and Fees Accrued to Date		
Costs/Fees	Amount Assessed	Amount Due
1. Clerk	45.00	
2. Court Reporter (Circuit Division only)	15.00	
3. Interpreter/Translator		
4. Law Library Fund Surcharge (Civil only)	15.00	
5. Sheriffs' Retirement Fund Surcharge (Civil only)	3.00	
6. Court Automation Fund Fee (Civil only)	7.00	
7. Basic Civil Legal Services Fund Surcharge	10.00	
8. Domestic Relations Resolution Fund Surcharge (Circuit Civil only)	3.00	
9. Court Appointed Special Advocate (CASA) Fund Surcharge (Domestic Relations cases only)		
10. Domestic Violence Shelter Surcharge (Circuit Civil only, if authorized by county)		
11. Family Court Surcharge (counties with Family Court)		
12. Sheriff Fee		
13. Sheriff Mileage (Civil Services only): _____ miles @ \$ _____ per mile		
14. Sheriff's Deputy Salary Supplemental Surcharge (Civil Only)		
15. Law Enforcement Arrest Cost		
16. Incarceration Cost: _____ days @ \$ _____ per day		
17. Postage (Certified/Registered mailing case file) and/or Copies	5.75	
18. Witness Cost (Number of Witnesses _____)		
19. Jury Cost (Number of Jurors _____)		
20. Courthouse Restoration Surcharge (St. Louis City only)		
21. Juvenile Justice Preservation Fund Surcharge (Civil, Probate, and Juvenile)	3.50	
22. Other: _____		
Total	107.25	

Certificate of Transmittal

I certify that a certified copy of the judge's docket sheet is enclosed and all other original records of the case are enclosed or were emailed to the receiving court. I further certify that the costs and fees information provided on this transmittal is an accurate accounting of all costs and fees that accrued in the case and all claims for payment of costs filed with the court to date.

March 11, 2020 COURT SEAL OF /s/Karen Harlan By: JEads, deputy clerk
Date CRAWFORD COUNTY Clerk



Report: CZR0026 v18.0

42ND JUDICIAL CIRCUIT
CRAWFORD CIRCUIT DIVISION
CIRCUIT COURT DOCKET SHEETDate:11-Mar-2020
Time:10:28:13AM
Page:1

19CF-CC00065	TNT AMUSEMENTS INC V TORCH ELECTRONICS INC ET AL	Security Level: 1 Public
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Case Type:	CC Other Tort	Case Filing Date:	26-Nov-2019
Status:	Change of Venue		
Disposition:	Change of Venue	Disposition Date:	10-Mar-2020

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	MEGAN KATE SEAY (57911)		
Plaintiff	TNT AMUSEMENTS, INC (@85781)		
REPRESENTED BY:			
Attorney for Plaintiff	WILLIAM KISTNER (70540)		
Defendant	TORCH ELECTRONICS, LLC (@86048)		
REPRESENTED BY:			
Attorney for Defendant	JONATHAN CARROLL BROWNING (52820)		
Defendant	MIDWEST PETROLEUM COMPANY (MIDPETCO)		
REPRESENTED BY:			
Attorney for Defendant	ANDREW MICHAEL LAMMERT (60206)		
Attorney for Defendant	RYAN OCONNOR CORRIGAN (70925)		
Attorney for Defendant	TIMOTHY TODD SIGMUND (40682)		

<u>Filing Date</u>	<u>Description</u>	
26-Nov-2019	Judge Assigned Pet Filed in Circuit Ct Petition. Filed By: WILLIAM KISTNER On Behalf Of: TNT AMUSEMENTS, INC Filing Info Sheet eFiling Filed By: WILLIAM KISTNER	
02-Dec-2019	Judge/Clerk - Note Please e-file correspondence when you are ready for summons to be generated.	klc
18-Dec-2019	Memorandum Filed Memorandum for Clerk. Filed By: WILLIAM KISTNER Amend Pet/Mot to Modfy Filed FIRST AMENDED PETITION. Filed By: WILLIAM KISTNER On Behalf Of: TNT AMUSEMENTS, INC Note to Clerk eFiling Filed By: WILLIAM KISTNER Summons Issued-Circuit Document ID: 19-SMCC-576, for TORCH ELECTRONICS, LLC. Service/Attempt Date: 02-Jan-2020 Summons Issued-Circuit Document ID: 19-SMCC-577, for MIDWEST PETROLEUM COMPANY. (Both summons are attached for counsel to print and have served) rp Service/Attempt Date: 06-Jan-2020	
07-Jan-2020	Notice of Service 19-SMCC-577; Electronic Filing Certificate of Service. Corporation Served Document ID - 19-SMCC-577; Served To - MIDWEST PETROLEUM COMPANY; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 06-JAN-20; Served Time - 16:49:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served Jean = Clerk	
13-Jan-2020	Corporation Served	

Report: CZR0026 v18.0

42ND JUDICIAL CIRCUIT
CRAWFORD CIRCUIT DIVISION
CIRCUIT COURT DOCKET SHEET

Date:11-Mar-2020

Time:10:28:13AM

Page:2

Case continued from previous page.

19CF-CC00065	TNT AMUSEMENTS INC V TORCH ELECTRONICS INC ET AL	Security Level: 1 Public
21-Jan-2020	<p>Document ID - 19-SMCC-576; Served To - TORCH ELECTRONICS, LLC; Server - SO COLE COUNTY-JEFFERSON CITY; Served Date - 02-JAN-20; Served Time - 09:30:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served Rachel Patton - Designee (Sheriff fee \$30.00)</p> <p>Entry of Appearance Filed</p> <p>Entry of Appearance; Electronic Filing Certificate of Service.</p> <p>Filed By: ANDREW MICHAEL LAMMERT</p> <p>Entry of Appearance Filed</p> <p>Entry of Appearance; Electronic Filing Certificate of Service.</p> <p>Filed By: RYAN OCONNOR CORRIGAN</p>	
31-Jan-2020	<p>Entry of Appearance Filed</p> <p>Entry of Appearance; Electronic Filing Certificate of Service.</p> <p>Filed By: JONATHAN CARROLL BROWNING</p> <p>Motion for Change of Venue</p> <p>Motion for Change of Venue; Electronic Filing Certificate of Service.</p> <p>Filed By: JONATHAN CARROLL BROWNING</p> <p>Motion Filed</p> <p>Motion for More Definite Statement; Electronic Filing Certificate of Service.</p> <p>Filed By: JONATHAN CARROLL BROWNING</p> <p>Notice of Hearing Filed</p> <p>Notice of Hearing; Electronic Filing Certificate of Service.</p> <p>Filed By: JONATHAN CARROLL BROWNING</p> <p>On Behalf Of: TORCH ELECTRONICS, LLC</p> <p>Motion Hearing Scheduled</p> <p>Scheduled For: 10-Mar-2020; 9:00 AM; MEGAN KATE SEAY; Setting: 0; Crawford Circuit Division</p> <p>Motion for Change of Venue and Motion For More Definite Statement</p>	
05-Feb-2020	<p>Motion for Change of Venue</p> <p>Defendant Midwest Petroleum Cos Motion for Change of Venue; Electronic Filing Certificate of Service. Emailed to Judge for review. jee</p> <p>Filed By: RYAN OCONNOR CORRIGAN</p> <p>Motion Filed</p> <p>Defendant Midwest Petroleum Cos Motion for More Definite Statement; Electronic Filing Certificate of Service. Emailed to the Judge for review. jee</p> <p>Filed By: RYAN OCONNOR CORRIGAN</p> <p>On Behalf Of: MIDWEST PETROLEUM COMPANY</p>	
06-Feb-2020	<p>Response Filed</p> <p>RESPONSE TO MOTION FOR CHANGE OF VENUE AND SUGGESTIONS AS TO APPROPRIATE NEW VENUE; Electronic Filing Certificate of Service.</p> <p>Filed By: ELKIN L KISTNER</p> <p>On Behalf Of: TNT AMUSEMENTS, INC</p>	
07-Feb-2020	<p>Reply</p> <p>Defendants Torch Electronics LLCs and Midwest Petroleum Cos Joint Reply to Plaintiffs Suggestions as to Appropriate New Venue; Electronic Filing Certificate of Service.</p> <p>Filed By: RYAN OCONNOR CORRIGAN</p> <p>On Behalf Of: MIDWEST PETROLEUM COMPANY</p>	
13-Feb-2020	<p>Response Filed</p> <p>PLAINTIFFS RESPONSE TO DEFENDANTS JOINT REPLY AND SUGGESTIONS AS TO VENUE; Electronic Filing Certificate of Service.</p> <p>Filed By: WILLIAM KISTNER</p> <p>On Behalf Of: TNT AMUSEMENTS, INC</p>	
24-Feb-2020	<p>Order</p> <p>Honorable Kelly Wayne Parker, Circuit Judge, Division II, 42nd Judicial Circuit, be assigned generally to the Crawford County Circuit Court, Division I, on March 10, 2020 in the temporary absence of Honorable Megan K. Seay, Circuit Judge, Division I, 42nd, Judicial Circuit. /Judge Megan K. Seay</p> <p>sm</p>	

Report: CZR0026 v18.0

42ND JUDICIAL CIRCUIT
CRAWFORD CIRCUIT DIVISION
CIRCUIT COURT DOCKET SHEETDate:11-Mar-2020
Time:10:28:13AM
Page:3

Case continued from previous page.

19CF-CC00065

**TNT AMUSEMENTS INC V TORCH
ELECTRONICS INC ET AL****Security Level: 1 Public**

09-Mar-2020 **Filed By:** MEGAN KATE SEAY
Stipulation Filed
JOINT STIPULATION AS TO CHANGE OF VENUE; Electronic Filing Certificate of Service.
Filed By: WILLIAM KISTNER
On Behalf Of: TNT AMUSEMENTS, INC, TORCH ELECTRONICS, LLC, MIDWEST PETROLEUM COMPANY
Motion to Withdraw
Withdrawal of Notice of Hearing; Electronic Filing Certificate of Service.
Filed By: JONATHAN CARROLL BROWNING
On Behalf Of: TORCH ELECTRONICS, LLC

10-Mar-2020 **Change of Venue**
Cause called. Parties stipulate to change of venue to the 21st Judicial Circuit. Venue is transferred to the 21st Judicial Circuit, St. Louis County. /Judge Kelly Parker by general assignment for Division 1 TRANSFERRED TO COUNTY - St. Louis County. jee
Scheduled For: 10-Mar-2020; 9:00 AM; MEGAN KATE SEAY; **Setting:** 0; Crawford Circuit Division
Motion for Change of Venue and Motion For More Definite Statement
Order for Change of Venue
See docket entry DCOV for Order. jee

11-Mar-2020 **Judge/Clerk - Note**
Entire case file sent via electronic email to St Louis County Circuit Clerk on this the 11th day of March, 2020. jee

COURT SEAL OF



CRAWFORD COUNTY

THIS DOCUMENT IS A TRUE
COPY OF THE ORIGINAL
BEING CERTIFIED THIS DATE
Wednesday, March 11, 2020
KAREN HARLAN
CIRCUIT CLERK
CRAWFORD COUNTY, MO
/s/Jane Eads, Deputy Clerk

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY
STATE OF MISSOURI**

TNT AMUSEMENTS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.	)	Case No. 19CF-CC00065
)	
	)	Division No. 1
TORCH ELECTRONICS, LLC,)	
Serve: MSB Registered Agent, Inc.)	
305 E. McCarty St., Suite 300)	
Jefferson City, MO 65101)	
)	
And)	
)	
MIDWEST PETROLEUM CO.,)	
Serve: Donald W. McNutt)	
220 Old Meramac Station Rd.)	
Manchester, MO 63021)	
)	
Defendants.)	

**FIRST AMENDED PETITION FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF**

Parties

1. Plaintiff TNT Amusements, Inc. ("TNT"), d/b/a Play-Mor Coin-Op, is a Missouri for-profit corporation that is in good standing. TNT is in the business of providing legal, coin-operated amusement machines to retailers such as restaurants, truck stops, and fraternal organizations in Missouri.

2. Defendant Torch Electronics, LLC ("Torch") is a Missouri limited liability company. Torch engages in the business of placing expressly illegal "gambling machines" and "slot machines" to retailers such as restaurants, truck stops, and fraternal organizations in Missouri.

3. Defendant Midwest Petroleum Company ("Midwest") is a Missouri for-profit

corporation that owns and operates, among numerous other facilities, the Midwest Travel Plaza located in Cuba, MO.

Jurisdiction and Venue

4. Jurisdiction is appropriate in this Court in that all illegal and tortious acts on the part of Defendants took place within Crawford County, State of Missouri.

5. Venue is appropriate in this Court pursuant to § 508.010, RSMo, et seq.

Count I - Declaratory Judgment

6. TNT incorporates paragraphs 1-5, above, as if more fully stated herein.

7. Commencing in August, 2018 and continuing through the present, Torch has installed seven (7) illegal gambling machines at the Midwest Travel Plaza with the knowledge and affirmative cooperation of Midwest. These illegal gambling machines have been continuously present at the Midwest Travel Plaza since their installation and have been in operation 24 hours a day, seven days a week.

8. The machines placed by Torch into the Midwest Travel Plaza have been determined to be illegal gambling devices by the Missouri Gaming Commission in violation of Sections 572.030, 572.040, and 572.070 RSMo.

9. Midwest has neither applied for nor received a license from the Missouri Gaming Commission to operate an “excursion gambling boat” pursuant to Sections 313.800-313.850 RSMo.

10. Torch has neither applied for nor received a license from the Missouri Gaming Commission to be a licensed and approved supplier of gambling games pursuant to Sections 313.800-313.850 RSMo.

11. On information and belief, Torch and Midwest share revenues from the illegal gambling machines and are thereby jointly operating an unlicensed gambling operation in

violation of Section 313.830.1(1) RSMo.

12. As a direct result of Torch's illegal gambling machines replacing TNT's legal coin-operated amusement machines at the Midwest Travel Plaza, TNT has been damaged in that its revenues at that facility have been drastically reduced - to almost zero.

13. Torch intends to continue to place its illegal gambling machines in additional facilities and to displace TNT's legal coin-operated amusement machines in Crawford County and throughout the State of Missouri.

WHEREFORE, Plaintiff TNT requests that this Court enter its judgment declaring, a) that Defendants Torch and Midwest are illegally operating an unlicensed casino or "excursion gambling boat" in contravention of Missouri law, b) that Defendant Torch is operating as an illegal and unlicensed supplier of gambling games in contravention of Missouri law, and c) that all seven of the machines placed by Torch at the Midwest Travel Plaza constitute illegal gambling machines in contravention of Missouri law, along with such other and further Orders as may be just and appropriate.

Count II – Tortious Interference with Business Expectancy

14. TNT incorporates paragraphs 1-13, above, as if more fully stated herein.

15. For more than 20 years, TNT and Midwest have done continuous business according to their oral agreement whereby TNT has placed, maintained, and periodically upgraded legal, coin-operated amusement machines in Midwest's facilities, including the Midwest Travel Plaza, in return for a revenue split.

16. Based on their oral agreement and their 20+ years of continuous business, course of dealing, custom, and practice, TNT justifiably expected its legitimate placement, maintenance

and upgrading of legal, coin-operated amusement machines to continue, undiminished and unabated, at Midwest's facilities, including the Midwest Travel Plaza.

17. At all times, Torch was aware of the existence of a business relationship between TNT and Midwest related to the placement by TNT of legal, coin-operated amusement machines in Midwest facilities and particularly within the Midwest Travel Plaza.

18. To make room for these illegal gambling machines, Midwest, at the urging of Torch, initially removed all of TNT's legal, coin-operated amusement machines from its game room within the Midwest Travel Plaza.

19. Midwest later, again at the urging of Torch, removed additional legal, coin-operated amusement games belonging to TNT from other locations within the Midwest Travel Plaza and replaced them with Torch's illegal gambling machines.

20. Torch's installation of illegal gambling machines and displacement of TNT's legal, coin-operated amusement machines tortuously interfered with TNT's legitimate business expectancy of continued operation within the Midwest Travel Plaza.

21. Torch, by dealing in illegal gambling machines, utilized improper means to interfere with TNT's business expectancy, and therefore Torch lacks justification for its interference.

22. Torch's interference with TNT's business expectancy was intentional.

23. As a direct result of Torch's illegal gambling machines replacing TNT's legal coin-operated amusement machines at the Midwest Travel Plaza, TNT has been damaged in that its revenues at that facility have been drastically reduced - to almost zero.

24. TNT will suffer irreparable harm to its business expectancy if Torch is not enjoined from installing and operating its illegal gambling machines.

25. A premises used for unlawful gambling is a public nuisance under Missouri law, Section 572.010.1 RSMo.

26. The public interest will be served by the injunctive relief sought in that a public nuisance will be removed and in that the illegal and unlicensed gambling operation being operated by Torch and Midwest has siphoned and will continue to siphon tax revenues from the State of Missouri and local political subdivisions that would have come from legal and licensed gaming on excursion gaming boats and the Missouri Lottery.

WHEREFORE, Plaintiff TNT requests that this Court enter a money judgment in its favor and against Torch for an amount in excess of \$25,000, consisting of compensatory damages as well as punitive damages in an amount that will be sufficient to punish Torch and deter it from engaging in similar misconduct in the future; that this Court enter its Order a) to enjoin Torch and Midwest from any further operation of their illegal and unlicensed gambling operations at the Midwest Travel Plaza, and b) to enjoin Torch from installing any illegal gambling machines within Crawford County, along with such other and further orders as may be just and appropriate.

BICK & KISTNER, P.C.

By: /s/ Elkin L. Kistner

Elkin L. Kistner #35287

William E. Kistner #70540

101 South Hanley Road, Suite 1280

St. Louis, Missouri 63105

Telephone: (314) 571-6823

Facsimile: (314) 727-9071

E-mail: elkinkis@bick-kistner.com

E-mail: bill@bick-kistner.com

Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY
STATE OF MISSOURI**

TNT AMUSEMENTS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.	)	Case No.
)	
	)	Division No.
TORCH ELECTRONICS, INC., and)	
MIDWEST PETROLEUM CO.,)	
)	
)	
Defendants.)	

PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

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BICK & KISTNER, P.C.

By: /s/ Elkin L. Kistner

Elkin L. Kistner #35287

William E. Kistner #70540

101 South Hanley Road, Suite 1280

St. Louis, Missouri 63105

Telephone: (314) 571-6823

Facsimile: (314) 727-9071

E-mail: elkinkis@bick-kistner.com

E-mail: bill@bick-kistner.com

Attorneys for Plaintiff



IN THE 42ND JUDICIAL CIRCUIT, CRAWFORD COUNTY, MISSOURI

FILED

JAN 13 2020

Judge or Division: MEGAN KATE SEAY	Case Number: 19CF-CC00065	Circuit Court Crawford County RECEIVED DEC 30 2019 COLE COUNTY SHERIFF'S OFFICE (Date File Stamp)
Plaintiff/Petitioner: TNT AMUSEMENTS, INC	Plaintiff's/Petitioner's Attorney/Address WILLIAM KISTNER 1018 BROADWAY BLVD APT #201 KANSAS CITY, MO 64105	
Defendant/Respondent: TORCH ELECTRONICS, LLC and MIDWEST PETROLEUM CO	Court Address: CRAWFORD COUNTY COURTHOUSE PO BOX 1550 STEELVILLE, MO 65565	
Nature of Suit: CC Other Tort		

Summons in Civil Case

The State of Missouri to: TORCH ELECTRONICS, LLC

Alias:

 SERVE: MSB REGISTERED AGENT, INC.
 305 E MCCARTY STREET
 SUITE 300
 JEFFERSON CITY, MO 65101

COURT SEAL OF



CRAWFORD COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

December 18, 2019

Date

/s/Karen Harlan by: Rose Patt, D.C.

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

Rachel Patton (name) Designer (title).

☐ other: _____

Served at 305 E. McCarty St, Ste 300 (address)

in Cole (County/City of St. Louis), MO, on 11/2/20 (date) at 9:30 AM (time).

Sheriff

(Seal)

Printed Name of Sheriff or Server

By

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

4882 30-



IN THE 42ND JUDICIAL CIRCUIT, CRAWFORD COUNTY, MISSOURI

Judge or Division: MEGAN KATE SEAY	Case Number: 19CF-CC00065
Plaintiff/Petitioner: TNT AMUSEMENTS, INC	Plaintiff's/Petitioner's Attorney/Address WILLIAM KISTNER 1018 BROADWAY BLVD APT #201 KANSAS CITY, MO 64105
Defendant/Respondent: TORCH ELECTRONICS, LLC and MIDWEST PETROLEUM CO.	Court Address: CRAWFORD COUNTY COURTHOUSE PO BOX 1550 STEELVILLE, MO 65565
Nature of Suit: CC Other Tort	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **MIDWEST PETROLEUM COMPANY**

Alias:

SERVE: DONALD W. MCNUTT
220 OLD MERAMEC STATION RD
MANCHESTER, MO 63021

COURT SEAL OF



CRAWFORD COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

December 18, 2019

/s/Karen Harlan by: Rose Patt, D.C.

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

_____ (name) _____ (title).

☐ other: _____

Served at 220 Old Meramec Station Rd (address)

in St. Louis (County/City of St. Louis), MO, on 1-6-20 (date) at 4:59 (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Case Number: 23-cv-00330

Case Name: JAMES H. HARRIS

Case Type: CIVIL RIGHTS

Case Status: Pending

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

Case Description: [Illegible]

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,)	
)	
Plaintiff,)	
	)	Cause No. 19CF-CC00065
v.)	
)	
TORCH ELECTRONICS, LLC and)	
MIDWEST PETROLEUM CO.,)	
)	
Defendants.)	

DEFENDANT MIDWEST PETROLEUM CO.'S MOTION
FOR CHANGE OF VENUE

COMES NOW Defendant Midwest Petroleum Co., by and through its undersigned counsel, pursuant to Rule 51.03 of the Missouri Rules of Civil Procedure and for its Motion for a Change of Venue to St. Louis County, Missouri or Cole County, Missouri, states to the Court as follows:

ARGUMENT

On or about January 31, 2020, Defendant Torch Electronics, Inc. ("Torch") filed its Motion for a Change of Venue, pursuant to Rule 51.03 of the Missouri Rules of Civil Procedure, to transfer venue is the above-captioned case to Cole County, Missouri or St. Louis County, Missouri. Upon review of the same, Midwest Petroleum Co. hereby adopts, in its entirety, Defendant Torch's position set forth within its January 31, 2020 Motion for a Change of Venue. Accordingly, Midwest Petroleum Co. hereby incorporates Defendant Torch's Motion for a Change of Venue by reference as if fully stated herein.

WHEREFORE, Midwest Petroleum Co. respectfully moves the Court for an Order transferring this case to a proper venue, and for such other and relief as this Court deems just and proper.

Respectfully submitted,

McCARTHY, LEONARD & KAEMMERER, L.C.

BY: /s/ Ryan O. Corrigan
Andrew M. Lammert, #60206
alammert@mlklaw.com
Ryan O. Corrigan, #70925
rcorrigan@mlklaw.com
825 Maryville Centre Drive, Suite 300
Town and Country, Missouri 63017
Phone: (314) 392-5200
Fax: (314) 392-5221
Attorneys for Defendant Midwest Petroleum Co.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of February 2020, the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon the following:

Elkin L. Kistner
William E. Kistner
Bick & Kistner, PC
101 South Hanley Rd., Suite 1280
St. Louis, MO 63105
Attorneys for Plaintiff

Jonathan C. Browning
Timothy T. Sigmund
Sigmund Browning, LLC
305 E. McCarty St., Suite 300
Jefferson City, MO 65101
Attorneys for Defendant Torch Electronics, LLC

/s/ Ryan O. Corrigan

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,)	
)	
Plaintiff,)	
	)	Cause No. 19CF-CC00065
v.)	
)	
TORCH ELECTRONICS, LLC and)	
MIDWEST PETROLEUM CO.,)	
)	
Defendants.)	

**DEFENDANT MIDWEST PETROLEUM CO.'S MOTION
FOR MORE DEFINITE STATEMENT**

COMES NOW Defendant Midwest Petroleum Co., by and through its undersigned counsel, pursuant to Rule 55.27 of the Missouri Rules of Civil Procedure and for its Motion for a More Definite Statement, states to the Court as follows:

ARGUMENT

On or about January 31, 2020, Defendant Torch Electronics, Inc. ("Torch") filed its Motion for a More Definite Statement, pursuant to Rule 55.27 of the Missouri Rules of Civil Procedure. Upon review of the same, Midwest Petroleum Co. hereby adopts, in its entirety, Defendant Torch's position set forth within its January 31, 2020 Motion for a More Definite Statement. Accordingly, Midwest Petroleum Co. hereby incorporates Defendant Torch's Motion for a More Definite Statement by reference as if fully stated herein.

WHEREFORE, Midwest Petroleum Co. respectfully moves the Court for an Order directing Plaintiff to plead its causes of action with more definite and sufficient facts, and for such other and relief as this Court deems just and proper.

Respectfully submitted,

McCARTHY, LEONARD & KAEMMERER, L.C.

BY: /s/ Ryan O. Corrigan
Andrew M. Lammert, #60206
alammert@mlklaw.com
Ryan O. Corrigan, #70925
rcorrigan@mlklaw.com
825 Maryville Centre Drive, Suite 300
Town and Country, Missouri 63017
Phone: (314) 392-5200
Fax: (314) 392-5221
Attorneys for Defendant Midwest Petroleum Co.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of February 2020, the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon the following:

Elkin L. Kistner
William E. Kistner
Bick & Kistner, PC
101 South Hanley Rd., Suite 1280
St. Louis, MO 63105
Attorneys for Plaintiff

Jonathan C. Browning
Timothy T. Sigmund
Sigmund Browning, LLC
305 E. McCarty St., Suite 300
Jefferson City, MO 65101
Attorneys for Defendant Torch Electronics, LLC

/s/ Ryan O. Corrigan

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,

Plaintiff,

VS.

Case No. 19CF-CC00065

**TORCH ELECTRONICS, LLC and
MIDWEST PETROLEUM, CO.,**

Defendants.

DEFENDANTS TORCH ELECTRONICS, LLC'S AND MIDWEST PETROLEUM CO.'S
JOINT REPLY TO PLAINTIFF'S SUGGESTIONS AS TO APPROPRIATE NEW
VENUE

Defendants Torch Electronics, LLC (“Torch”) and Midwest Petroleum Co. (“Midwest”) (hereinafter collectively referred to as “Defendants”), by and through their respective counsels, provides this Joint Reply to the Plaintiff’s Suggestions As To Appropriate New Venue, and states:

1. Defendants agree that the Court should only rule on the Motion for Change of Venue filed by Torch, which is not opposed by any of the parties, and no other motions filed by Torch or Midwest.

2. Defendants disagree with the Plaintiff's argument as to "prejudice" with respect to the Motion for Change of Venue. Rule 51.03 is completely silent on the issue of prejudice as the only issue before the Court is whether (i) the action is triable by a jury and (ii) in a County having 75,000 or less inhabitants. The issue of "prejudice" is therefore irrelevant.

3. Defendants disagree with the Plaintiff's suggestion of the City of St. Louis as being a proper venue, and further disagree with the Plaintiff's belief that the Court should rule on this matter without a hearing.

4. In the event the Court finds a hearing is unnecessary, then Defendants would further suggest that the Court transfer this case to **Warren County** or **Franklin County**, both of which

are reasonably close to the parties and their respective counsel.

Accordingly, Defendant Torch Electronics, LLC, and Defendant Midwest Petroleum Co., request that the Court grant the relief sought by in Defendant Torch Electronics, LLC's Motion for Change of Venue, that the Court transfer this case to a proper venue, and for such other orders and relief the Court deems proper.

Respectfully Submitted,

SIGMUND BROWNING, LLC

MCCARTHY LEONARD & KAEMMERER, L.C.

By: /s/ Jonathan. C. Browning
Jonathan C. Browning, #52820
Timothy T. Sigmund, #40682
305 E. McCarty Street, Suite 300
Jefferson City, Missouri 65101
Telephone: (573) 635-7699
Facsimile: (573) 635-7425
jbrowning@msblawfirm.com
tsigmund@msblawfirm.com
*ATTORNEYS FOR DEFENDANT
TORCH ELECTRONICS, LLC*

By: /s/ Ryan O. Corrigan
Andrew M. Lammert, # 60206
Ryan O. Corrigan, #70925
825 Maryville Centre Dr., Suite 300
Town & Country, MO 63017
Phone: (314)-392-5200
Fax: (314)-392-5221
alammert@mlklaw.com
rcorrigan@mlklaw.com
*ATTORNEYS FOR DEFENDANT
MIDWEST PETROLEUM CO.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on February 7, 2020 to Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105.

/s/ Ryan O. Corrigan

Civil/Domestic DOCKET ENTRY

FILED

Petitioner/Plaintiff

TNT AMUSEMENTS, INC

Date:

MAR 10 2020

Circuit Court
Crawford County

vs.

Case # 19CF-CC00065

Respondent/Defendant

TORCH ELECTRONICS, LLC

☐ Cause called.☐ Petitioner / Plaintiff appears (not) (in person) (with) (without) by counsel _____

but provides correspondence. Appears by _____.

☐ Respondent / Dft. appears (not)(in person) (with)(without) by counsel, _____.

but provides correspondence. Appears by _____.

☐ Guardian ad litem appears (not) (in person) but provides correspondence.☐ Case review held.☐ Trial setting held. Cause set for trial to the court on _____ at 9:00 a.m.☐ Petitioner/Plaintiff's or Respondent/Defendant's Motion for _____ is taken up, considered and (sustained) (overruled), (with)(without) objection from Petitioner/Plaintiff or Respondent/Defendant.☐ Court appoints _____ as Guardian ad Litem.☐ Each party is to post \$ _____ with the registry of the court by _____ to secure GAL.☐ _____'s application for change of venue is (overruled) (sustained). (with)(without) objection.☐ Venue changed to _____.☐ Cause set for hearing on _____ at 9:00 a.m. for _____ (type of hearing).☐ Cause set for trial to jury on _____ at 9:00 a.m. Pre-trial to commence at 8:30 a.m.☐ Cause removed from jury trial on _____ & passed to _____ for _____.☐ Parties are ordered to appear.☐ Cause passed generally.☐ Cause passed to _____ at 9:00 a.m. for _____.

disposition or setting case review motions or settings trial to court

☐ Clerk to notify Petitioner/Plaintiff or Counsel for Petitioner/Plaintiff.

Respondent/Defendant or Counsel for Respondent/Defendant or Guardian ad litem.

☐ Evidence adduced.☐ Judgment / Order signed and filed.☐ _____ to prepare formal (judgment) (Order) and/or (form 14).

Other: Parties stipulate to change of venue to
to 21st Judicial Circuit. Cause of Venue is
transferred to the 21st Judicial Circuit, St. Louis
County.

Judge (Parker)(Seay)(Kelsaw)(Head)(Thompson)

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: ANDREW MICHAEL LAMMERT, Attorney for Defendant
SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: ANDREW MICHAEL LAMMERT, Attorney for Defendant
SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: JONATHAN CARROLL BROWNING, Attorney for Defendant
SERVICE EMAIL: jbrowning@msblawfirm.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com

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SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com

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SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

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SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: JONATHAN CARROLL BROWNING, Attorney for Defendant
SERVICE EMAIL: jbrowning@msblawfirm.com

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SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: JONATHAN CARROLL BROWNING, Attorney for Defendant
SERVICE EMAIL: jbrowning@msblawfirm.com

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SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

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SERVICE EMAIL: jbrowning@msblawfirm.com

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SERVICE EMAIL: bill@bick-kistner.com

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SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: JONATHAN CARROLL BROWNING, Attorney for Defendant
SERVICE EMAIL: jbrowning@msblawfirm.com

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SERVICE EMAIL: rcorrigan@mlklaw.com

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SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: TIMOTHY TODD SIGMUND, Attorney for Defendant
SERVICE EMAIL: tsigmund@msblawfirm.com

SERVICE PARTY: JONATHAN CARROLL BROWNING, Attorney for Defendant
SERVICE EMAIL: jbrowning@msblawfirm.com

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: ANDREW MICHAEL LAMMERT, Attorney for Defendant
SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com

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SERVICE EMAIL: alammert@mlklaw.com

SERVICE PARTY: WILLIAM KISTNER, Attorney for Plaintiff
SERVICE EMAIL: bill@bick-kistner.com

SERVICE PARTY: RYAN OCONNOR CORRIGAN, Attorney for Defendant
SERVICE EMAIL: rcorrigan@mlklaw.com



IN THE 42ND JUDICIAL CIRCUIT COURT, CRAWFORD COUNTY, MISSOURI

Tnt Amusements, Inc,
Plaintiff,

vs.
Torch Electronics, Llc Et Al,
Defendant.

Case Number: 19CF-CC00065

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Midwest Petroleum Company, Defendant, in the above-styled cause.

/s/ Andrew M. Lammert

Andrew Michael Lammert
Mo Bar Number: 60206
Attorney for Defendant
825 Maryville Centre Drive
Suite 300
Town & Country, MO 63017-5946
Phone Number: (314) 392-5200
alammert@mlklaw.com

Certificate of Service

I hereby certify that on January 21st, 2020, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Andrew M. Lammert

Andrew Michael Lammert

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on the 31st day of January, 2020 to Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105 and Andrew M. Lammert, Attorney at Law, 825 Maryville Centre Drive, Suite 300, Town & Country, MO 63017-5946.

/s/ Jonathan C. Browning



IN THE 42ND JUDICIAL CIRCUIT COURT, CRAWFORD COUNTY, MISSOURI

Tnt Amusements, Inc,
Plaintiff,

vs.
Torch Electronics, Llc Et Al,
Defendant.

Case Number: 19CF-CC00065

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Midwest Petroleum Company, Defendant, in the above-styled cause.

/s/ Ryan O. Corrigan

Ryan O'connor Corrigan

Mo Bar Number: 70925

Attorney for Defendant

825 Maryville Centre Drive

Suite 300

St. Louis, MO 63017

Phone Number: (314) 392-5200 ext 1034

rcorrigan@mlklaw.com

Certificate of Service

I hereby certify that on January 21st, 2020, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Ryan O. Corrigan

Ryan O'connor Corrigan

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY
STATE OF MISSOURI**

TNT AMUSEMENTS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.	)	Case No. 19CF-CC00065
)	
	)	Division No. 1
TORCH ELECTRONICS, LLC, et al.,)	
)	
)	
Defendants.)	

JOINT STIPULATION AS TO CHANGE OF VENUE

The parties hereby jointly and unanimously consent to the transfer of this cause to the 21st Judicial Circuit, St. Louis County Circuit Court.

BICK & KISTNER, P.C.

By: /s/ Elkin L. Kistner

Elkin L. Kistner	#35287
Peter M. Hamilton	#32585
William E. Kistner	#70540
101 South Hanley Road, Suite 1280	
St. Louis, Missouri 63105	
Telephone: (314) 571-6823	
Facsimile: (314) 727-9071	
E-mail: elkinkis@bick-kistner.com	
E-mail: phboulder@gmail.com	
E-mail: bill@bick-kistner.com	
<i>Attorneys for Plaintiff</i>	

SIGMUND BROWNING, LLC CO

By: /s/ Jonathan. C. Browning

Jonathan C. Browning, #52820

Timothy T. Sigmund, #40682

305 E. McCarty Street, Suite 300

305 E. McCarty Street, Suite 300

Telephone: (573) 635-7699

Facsimile: (573) 635-7425

jbrowning@msblawfirm.com

tsigmund@msblawfirm.com

ATTORNEYS FOR DEFENDANT

TORCH ELECTRONICS, LLC

MCCARTHY LEONARD & KAEMMERER, L.C.

By: /s/ Ryan O. Corrigan

Andrew M. Lammert, # 60206

Ryan O. Corrigan, #70925

825 Maryville Centre Dr., Suite 300

Town & Country, MO 63017

Phone: (314)-392-5200

Fax: (314)-392-5221

alammert@mlklaw.com

rcorrigan@mlklaw.com

ATTORNEYS FOR DEFENDANT

MIDWEST PETROLEUM CO.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served this 9th day of March, 2020, via electronic mail through the Court's electronic filing system to all counsel of record.

/s/ Elkin L. Kistner

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,

Plaintiff,

vs.

**TORCH ELECTRONICS, LLC and
MIDWEST PETROLEUM, CO.,**

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 19CF-CC00065

MOTION FOR CHANGE OF VENUE

Pursuant to Rule 51.03, Defendant Torch Electronics, LLC (“Torch”), by and through its counsel, Sigmund Browning, LLC, moves the Court for its Order for a Change of Venue to Cole County, Missouri or St. Louis County, Missouri, and states to the Court as follows:

1. On or about December 18, 2019, Plaintiff filed its First Amended Petition for Declaratory Judgment (Count I) and Tortious Interference with Business Expectancy (Count II).

2. Pursuant to Rule 51.03, Torch, as a matter of right, and due to the fact that Crawford County has fewer than 75,000 inhabitants, moves the Court for its Order transferring this case to another County.

3. Torch recommends Cole County as a proper venue for this matter, as it is the location of its registered agent, or St. Louis County as a proper venue for this matter, as that is the location of its principal place of business.

4. Torch states that this Motion is timely filed under Rule 51.03.

5. Torch states that it has filed a Notice of Hearing with respect to the time when it will present this Motion to the Court, with a copy of the Motion and Notice served upon counsel for Plaintiffs in accordance with Rule 43.01.

Accordingly, Defendant requests that the Court grant the relief sought by this Motion, that the Court transfer this case to a proper venue, and for such other orders and relief the Court deems proper.

Respectfully Submitted,

SIGMUND BROWNING, LLC

By: /s/ Jonathan. C. Browning
Jonathan C. Browning #52820
Timothy T. Sigmund #40682
305 E. McCarty Street, Suite 300
Jefferson City, Missouri 65101
Telephone: (573) 635-7699
Facsimile: (573) 635-7425
E-Mail: jbrowning@msblawfirm.com
tsigmund@msblawfirm.com

ATTORNEYS FOR DEFENDANT TORCH
ELECTRONICS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on the 31st day of January, 2020 to Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105 and Andrew M. Lammert, Attorney at Law, 825 Maryville Centre Drive, Suite 300, Town & Country, MO 63017-5946.

/s/ Jonathan. C. Browning

5. Plaintiff's Petition appears to argue that there is an adequate remedy at law as it alleges a count for Tortious Interference of Business Expectancy. As such, the Plaintiff alleges that it has adequate remedy at law that would prevent it from pursuing its Count I for Declaratory Judgment.

6. In Count II, the Plaintiff alleges the existence of an "oral agreement" between the Plaintiff and Defendant Midwest Petroleum Co.; however, the Plaintiff fails to plead or state facts demonstrating the terms of this "oral agreement" and how Torch would have knowledge of this alleged "oral agreement." Additionally, the Plaintiff's First Amended Petition simply alleges, in conclusory fashion, that Torch's interference with the "oral agreement" was intentional and that Torch had knowledge of this "oral agreement."

7. Pursuant to Rule 55.27(d), the Court should direct the Plaintiff to plead its cause of action with facts sufficient to allow Torch to understand the basis of the Plaintiff's Count I and Count II, and to allow Torch to prepare responsive pleadings and in compliance with Rule 55.05.

Accordingly, Defendant Torch Electronics, LLC, respectfully moves the Court for an Order directing the Plaintiff to plead its causes of action with more definite and sufficient facts, and for such other orders and relief the Court deems just and proper.

Respectfully submitted,

SIGMUND BROWNING, LLC

By: /s/ Jonathan C. Browning
Jonathan C. Browning #52820
Timothy T. Sigmund #40682
305 E. McCarty Street, Suite 300
Jefferson City, Missouri 65101
Telephone: (573) 635-7699
Facsimile: (573) 635-7425
E-Mail: jbrowning@msblawfirm.com
tsigmund@msblawfirm.com

ATTORNEYS FOR DEFENDANT
TORCH ELECTRONICS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served by electronic mail through the Court's electronic filing system on the 31st day of January, 2020 to the following Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105 and Andrew M. Lammert, Attorney at Law, 825 Maryville Centre Drive, Suite 300, Town & Country, MO 63017-5946.

/s/ Jonathan C. Browning

Please correct the name of Defendant Torch Electronics, LLC, per First Amended Petition.

Please issue summonses for service on Defendants at addresses stated in caption of First Amended Petition.

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,

Plaintiff,

vs.

**TORCH ELECTRONICS, LLC and
MIDWEST PETROLEUM, CO.,**

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 19CF-CC00065

NOTICE OF HEARING

TO: Elkin L. Kistner
William E. Kistner
Bick & Kistner, PC
101 South Hanley Road, Suite 1280
St. Louis, MO 63105

Andrew M. Lammert
Attorney at Law
825 Maryville Centre Drive, Suite 300
Town & Country, MO 63017-5946

PLEASE TAKE NOTICE that the undersigned will call up for hearing Defendant Torch Electronics, LLC's Motion for Change of Venue and Motion for More Definite Statement on March 10, 2020 at 9:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable Megan K. Seay, Circuit Judge, Circuit Court of Crawford County, Missouri, located at 302 W. Main, Steelville, Missouri.

Respectfully Submitted,

SIGMUND BROWNING, LLC

By: /s/ Jonathan. C. Browning
Jonathan C. Browning #52820
Timothy T. Sigmund #40682
305 E. McCarty Street, Suite 300
Jefferson City, Missouri 65101
Telephone: (573) 635-7699
Facsimile: (573) 635-7425
E-Mail: jbrowning@msblawfirm.com
tsigmund@msblawfirm.com

ATTORNEYS FOR DEFENDANT TORCH
ELECTRONICS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on the 31st day of January, 2020 to Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105 and Andrew M. Lammert, Attorney at Law, 825 Maryville Centre Drive, Suite 300, Town & Country, MO 63017-5946.

/s/ Jonathan. C. Browning

FORTY-SECOND JUDICIAL CIRCUIT OF MISSOURI

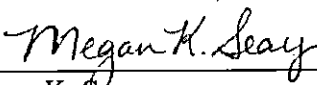
ORDER OF ASSIGNMENT

FILED
FEB 24 2020
Circuit Court
Crawford County

WHEREAS, authority to assign judicial personnel is authorized under the Constitution, Article V, Sections 15 and 17, and the Revised Statutes of Missouri, Sections 478.240 and 478.245, It is hereby Ordered that:

Honorable Kelly W. Parker, Circuit Judge, Division II, 42nd Judicial Circuit, be assigned generally to the Crawford County Circuit Court, Division I, on March 10, 2020 in the temporary absence of Honorable Megan K. Seay, Circuit Judge, Division I, 42nd Judicial Circuit.

Done in chambers at Salem, Missouri, this 20th day of February, 2020.



Megan K. Seay
Presiding Circuit Judge
42nd Judicial Circuit

cc: Hon. Kelly W. Parker
Karen Harlan, Circuit Clerk

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY
STATE OF MISSOURI**

TNT AMUSEMENTS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.	)	Case No. 19CF-CC00065
)	
	)	Division No. 1
TORCH ELECTRONICS, LLC, et al.,)	
)	
)	
Defendants.)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ JOINT REPLY AND SUGGESTIONS
AS TO VENUE**

Plaintiff TNT Amusements, Inc. (“TNT”), by and through its attorneys, hereby submits the following brief response to the joint reply filed by Defendants Torch Electronics, LLC (“Torch”) and Midwest Petroleum Company (“Midwest”) as to appropriate venue for transfer of this case.

1. On February 7, 2020, Defendants Torch and Midwest filed what they termed their Joint Reply to Plaintiff’s Suggestions as to Appropriate New Venue.
2. Defendants state in their joint reply only that they “disagree” with TNT’s suggestion that the City of St. Louis Circuit Court is a proper venue. However, Defendants have not stated any reasons for their disagreement.
3. More importantly, Defendants have not disputed Plaintiff’s suggestion that the City of St. Louis Circuit Court would be convenient for all parties and counsel.
4. Instead, and again without stating any reason for the change, Defendants appear to have abandoned their previous suggestion that the case be transferred to Cole County or St. Louis County, and made the new suggestion of either Warren County or Franklin County.

5. If the Court decides to consider these newly made suggestions, it should reject them. Both Warren and Franklin Counties would require extensive travel for all parties and their counsel. Most notably, compared with the City of St. Louis and St. Louis County, Warren County and Franklin County are considerably less convenient for some (including Plaintiff's counsel), and are not more convenient for anyone.

6. Thus, TNT respectfully reiterates that the most appropriate venue for disposition of this case, reasonably convenient to all parties and prejudicial to none, is the City of St. Louis Circuit Court. Nothing raised by Defendants in their joint reply changes that conclusion.

7. In the alternative, if this case is not transferred to the City of St. Louis, Plaintiff requests transfer to St. Louis County.

8. Defendants' request for a hearing on March 10, 2020, would cause needless delay. TNT needs to move forward with this case as expeditiously as possible and submits that all parties have been adequately heard on the issue of appropriate venue for transfer. Accordingly, and in keeping with Rule 51.03, this Court should rule immediately.

For all the foregoing reasons, Plaintiff TNT Amusements, Inc. respectfully requests immediate transfer of this matter to the City of St. Louis Circuit Court or, in the alternative, to the St. Louis County Circuit Court, for further proceedings, along with such other and further relief as this Court may find just and appropriate.

BICK & KISTNER, P.C.

By: /s/ Elkin L. Kistner

Elkin L. Kistner #35287

Peter M. Hamilton #32585

William E. Kistner #70540

101 South Hanley Road, Suite 1280

St. Louis, Missouri 63105

Telephone: (314) 571-6823

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E-mail: phboulder@gmail.com

E-mail: bill@bick-kistner.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served this 13th day of February, 2020, via electronic mail through the Court's electronic filing system to all counsel of record.

/s/ Elkin L. Kistner

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY
STATE OF MISSOURI**

TNT AMUSEMENTS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.	)	Case No. 19CF-CC00065
)	
	)	Division No. 1
TORCH ELECTRONICS, LLC, et al.,)	
)	
)	
Defendants.)	

**RESPONSE TO MOTION FOR CHANGE OF VENUE AND SUGGESTIONS AS TO
APPROPRIATE NEW VENUE**

Plaintiff TNT Amusements, Inc., (TNT), by and through its attorneys, hereby submits the following Response to the motions of Defendant Torch Electronics, LLC (“Torch”) and Midwest Petroleum Company (“Midwest”) for change of venue, along with its suggestions as to alternative convenient and appropriate venues:

1. On January 31, 2020, Defendant Torch filed its Motion for Change of Venue pursuant to Rule 51.03 of the Missouri Rules of Civil Procedure.
2. On February 5, 2020, Defendant Midwest adopted Defendant Torch’s position, in its entirety, and incorporated it into its own Motion for Change of Venue.
3. TNT does not dispute that Rule 51.03 requires transfer of this case from Crawford County.
4. TNT notes, however, that Rule 51.03(c) requires this Court to transfer this case only to another county convenient to the parties.
5. Rule 51.03 was put in place to save “...judicial resources that would otherwise be spent in determining whether a party could get a fair trial in the county in light of the prejudice

that may have arisen in a particular case due to publicity or familiarity with the parties or the issues involved.” State ex rel. Lebanon School District R-III v. Winfrey, 183 S.W.3d 232,237 (Mo. banc 2006).

6. The Rule similarly “...avoids any potential unfairness yet protects the convenience of the remaining parties by expressly providing that the new venue must be convenient and by giving the parties input into the new location for trial.” State ex rel. Lebanon School District R-III v. Winfrey, 183 S.W.3d 232, 237.

7. TNT maintains its principal place of business within Crawford County and will be inconvenienced by the transfer of this case.

8. TNT does not accept Defendants’ suggestions that this case should be sent to either Cole County or St. Louis County for disposition.

9. Instead, TNT respectfully submits that the most appropriate venue for disposition of this case, reasonably convenient to all parties and prejudicial to none, is the City of St. Louis Circuit Court.

10. St. Louis County would be an inappropriate venue for this case because both Defendant Torch and Defendant Midwest maintain their principal places of business in St. Louis County. The very same potential prejudice due to familiarity with parties that exists in Crawford County as to TNT exists in St. Louis County as to Defendants Torch and Midwest.

11. Cole County would not be a convenient place for trial for any party. It is 77 miles away from TNT’s place of business and well over 100 miles from either of Defendant’s places of business.

12. The City of St. Louis, on the other hand, is appropriate for all parties. It is closer geographically to all parties than Cole County. Unlike St. Louis County, no party has its

principal place of business there, removing the potential for prejudice. TNT does conduct some business in the City of St. Louis. Defendant Torch has placed numerous illegal gaming machines throughout the City of St. Louis. Defendant Midwest has at least 11 retail outlets in the City of St. Louis.

13. Hearing on this Motion is currently set for March 10, 2020.

14. Rule 51.03(c), however, dictates that upon motion, the court immediately shall order the case transferred after considering suggestions as to where the case should be sent. All parties have submitted their respective suggestions. TNT's business operations suffer every day that this case is not resolved and there is no reason to delay until March 10, 2020, or later, to have this case reassigned so it can move forward expeditiously.

15. Finally, this Court should not rule on any motion other than the subject venue motion; all other motions should be resolved by the transferee court.

For all the foregoing reasons and according to the foregoing authorities, Plaintiff TNT Amusements, Inc. respectfully requests that this Court transfer this matter immediately to the City of St. Louis Circuit Court, that this Court refrain from deciding any motion other than the subject venue motion, and that this Court grant it such other and further relief as may be just and appropriate.

BICK & KISTNER, P.C.

By: /s/ Elkin L. Kistner

Elkin L. Kistner #35287

Peter M. Hamilton #32585

William E. Kistner #70540

101 South Hanley Road, Suite 1280

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E-mail: phboulder@gmail.com

E-mail: bill@bick-kistner.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served this 6th day of February, 2020, via electronic mail through the Court's electronic filing system to all counsel of record.

/s/ Elkin L. Kistner



IN THE 42ND JUDICIAL CIRCUIT, CRAWFORD COUNTY, MISSOURI

Judge or Division: MEGAN KATE SEAY	Case Number: 19CF-CC00065	(Date File Stamp)
Plaintiff/Petitioner: TNT AMUSEMENTS, INC	Plaintiff's/Petitioner's Attorney/Address WILLIAM KISTNER 1018 BROADWAY BLVD APT #201 KANSAS CITY, MO 64105	
Defendant/Respondent: TORCH ELECTRONICS, LLC and MIDWEST PETROLEUM CO	Court Address: CRAWFORD COUNTY COURTHOUSE PO BOX 1550 STEELVILLE, MO 65565	
Nature of Suit: CC Other Tort		

Summons in Civil Case

The State of Missouri to: TORCH ELECTRONICS, LLC

Alias:

SERVE: MSB REGISTERED AGENT, INC.
305 E MCCARTY STREET
SUITE 300
JEFFERSON CITY, MO 65101

COURT SEAL OF



CRAWFORD COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

December 18, 2019

Date

/s/Karen Harlan by: Rose Patt, D.C.

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____


A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 42ND JUDICIAL CIRCUIT, CRAWFORD COUNTY, MISSOURI

Judge or Division: MEGAN KATE SEAY	Case Number: 19CF-CC00065	(Date File Stamp)
Plaintiff/Petitioner: TNT AMUSEMENTS, INC	Plaintiff's/Petitioner's Attorney/Address WILLIAM KISTNER 1018 BROADWAY BLVD APT #201 KANSAS CITY, MO 64105	
Defendant/Respondent: TORCH ELECTRONICS, LLC and MIDWEST PETROLEUM CO.	Court Address: CRAWFORD COUNTY COURTHOUSE PO BOX 1550 STEELVILLE, MO 65565	
Nature of Suit: CC Other Tort		

Summons in Civil Case

The State of Missouri to: MIDWEST PETROLEUM COMPANY Alias: SERVE: DONALD W. MCNUTT 220 OLD MERAMEC STATION RD MANCHESTER, MO 63021 COURT SEAL OF  CRAWFORD COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p><u>December 18, 2019</u> <u>/s/Karen Harlan by: Rose Patt, D.C.</u></p> <p style="text-align: center;">Date Clerk</p> <p>Further Information:</p>
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Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, MISSOURI

TNT AMUSEMENTS, INC.,

Plaintiff,

VS.

**TORCH ELECTRONICS, LLC and
MIDWEST PETROLEUM, CO.,**

Defendants.

Case No. 19CF-CC00065

WITHDRAWAL OF NOTICE OF HEARING

Defendant Torch Electronics, LLC (“Defendant Torch”), by and through its counsel Sigmund Browning, LLC., and for its Withdrawal of Notice of Hearing, states as follows:

1. This matter was filed on November 26, 2019.
2. On January 31, 2020 Defendant Torch filed its Motion for More Definite Statement and Motion for Change of Venue.
3. The parties hereto filed a Joint Stipulation as to Venue on March 9, 2020 and consented to this matter being transferred to the Circuit Court of St. Louis County.
4. Defendant Torch previously filed its Notice of Hearing for both the Motion for More Definite Statement and Motion for Change of Venue, with said hearing currently scheduled for March 10, 2020.
5. Due to the impending transfer of this matter from Crawford County to St. Louis County, Defendant Torch requests that the hearing scheduled for March 10, 2020 at 9:00 a.m. to hear said Motion for More Definite Statement be canceled and removed from the docket.

Accordingly, Defendant Torch requests that the Court grant the relief sought by this pleading, and for its entry of such other orders and judgments the Court deems just and proper.

Respectfully Submitted,

SIGMUND BROWNING, LLC

By: /s/ Jonathan C. Browning
Jonathan C. Browning #52820
Timothy T. Sigmund #40682
305 E. McCarty Street, Suite 300
Jefferson City, Missouri 65101
Telephone: (573) 635-7699
Facsimile: (573) 635-7425
E-Mail: jbrowning@msblawfirm.com
tsigmund@msblawfirm.com

ATTORNEYS FOR DEFENDANT TORCH
ELECTRONICS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on the 9th day of March, 2020 to Elkin L. Kistner and William E. Kistner, Bick & Kistner, PC, 101 South Hanley Road, Suite 1280, St. Louis, MO 63105 and Andrew M. Lammert, Attorney at Law, 825 Maryville Centre Drive, Suite 300, Town & Country, MO 63017-5946.

/s/ Jonathan C. Browning